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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 **IVAN VERNARD CLEVELAND,**

12 Plaintiff,

13 v.

14 **BEN CURRY, Warden, et al.,**

15 Defendants.
16

C 07-2809 JF (PR)

**[PROPOSED] ORDER
DENYING PLAINTIFF'S
MOTION FOR A STAY, A
CASE-MANAGEMENT
CONFERENCE, AND OTHER
RELIEF**

17 Plaintiff, through his counsel, moved to stay the case and have a case-management
18 conference on April 28, 2008. Defendants, who filed a motion to dismiss and for summary
19 judgment in the matter on April 1, 2008, opposed Plaintiff's motion. Plaintiff appears to wish to
20 add additional plaintiffs with additional Eighth Amendment claims, while severing his claims
21 that do not allege sexual misconduct from this consolidated claim. Neither an unnoticed "ex
22 parte, 'administrative' motion" to stay nor a case-management conference is necessary or proper
23 to accomplish Plaintiff's goals. And subsequent to moving for a stay, Plaintiff filed his
24 opposition to Defendants' dispositive motions. The parties and Court have an interest in quickly
25 resolving this matter, and will not stay the case or schedule a case-management conference.

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1 This Court, having considered the motion for a stay, any opposing and reply papers, the
2 Court's files, and for good cause appearing, hereby deny Plaintiff's motion.

3 IT IS HEREBY ORDERED THAT Plaintiff's motion for a stay is denied, and that
4 Defendants shall file their reply regarding their dispositive motions on or before May 15, 2008,
5 as scheduled.

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8 Dated: _____

_____ Honorable Jeremy Fogel

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